

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 2, 9, 19-24 and 38 are canceled without prejudice or disclaimer. Claim 1 has been amended to include the allowable subject matter of claim 9 and intervening claim 2. Claims 7, 8, 10, 11, 16, 17, 18, 43 and 44 have been amended to address formality issues including, for example, claim dependencies. New claims 45-58 have been added. The new claims are supported by at least original claims 1-18 and 39-44. No new matter has been added.

Objections and § 112 Rejections

The drawings were objected to because they are informal and further under 37 CFR 1.83a because they do not illustrate the third thickness sized to receive a flashing recited in claim 8. As to the informal nature of the drawings, Applicant is currently preparing formal drawings that will be submitted in response to the next Office Action. Concerning the limitations of claim 8, claim 8 has been amended to address this issue in part. Applicant notes that the recess is 198, 298 shown in Figures 8 and 9 fully support the limitations of claim 8.

Claim 1 was objected to for the inconsistent naming of the bottom-base rail. Claim 1 and all dependent claims therefrom have been amended to identify this feature consistently.

Claim 44 was rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 44 has been amended to include proper antecedent basis for all the limitations recited therein.

§ 102 Rejection

Claims 1, 2, 4, 7, 8, 11 and 43 were rejected under 35 USC § 102b as being anticipated by Ehrlich (U.S. 6,412,854). Applicant respectfully traverses this rejection. However, in an effort to expedite allowance of the application, Applicant has amended claim 1 to include the allowable limitations of dependent claim 9. Therefore, this rejection is moot. Applicant does not concede the correctness of the rejection.

§ 103 Rejections

Claims 14, 16 and 39-42 were rejected under 35 USC § 103a as being unpatentable over Ehrlich. As noted above, claim 1 has been amended to include the allowable limitation of claim 9. Therefore, claims 14-16 and 39-42 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

Claims 5, 12, 13, 17 and 18 were rejected under 35 USC § 103a as being unpatentable over Ehrlich in view of Buchholz (U.S. 2004/0256887). Applicant respectfully traverses this rejection. As discussed above, claim 1 has been amended to include the allowable subject matter of claim 9. Therefore, claims 5, 12, 13, 17 and 18 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

Claims 3 and 6 were rejected under 35 USC § 103a as being unpatentable over Ehrlich in view of Ehrlich '341 (U.S. 6,824,341). Applicant respectfully traverses this rejection. As discussed above, claim 1 has been amended to include the allowable subject matter of claim 9. Therefore, claims 3 and 6 are allowable for at least they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

New Claims

New claims 45-58 have been added and track the limitations of claim 1 as amended and many of original claims 2-18 and 39-44. New claim 45 requires a vertically oriented post including first and second thicknesses wherein the first thickness is less than the second thickness and is defined by distance between recess portions formed at opposing inside and outside primary surfaces of the post. The side wall construction of claim 45 includes outside and inside panels that are coupled to the post within the recess portions formed in the respective outside and inside primary surfaces of the post. The outside and inside panels are spaced apart a distance defined by the first thickness of the post. Applicant submits that the prior art of record fails to disclose or suggest a side wall construction that includes such a vertically oriented post


construction an arrangement of panels. Therefore, Applicants submits that claim 45 and the claims that depend from it are in condition for allowance.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants attorney listed below at 612.371.5387.

Respectfully submitted,

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